

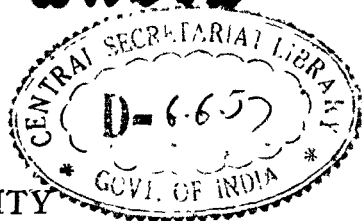
The Gazette of India



EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY



No. 289] NEW DELHI, SATURDAY, JUNE 1, 1957/JYAISTHA 11, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 27th May 1957

S.R.O. 1848.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 403 of 1957, presented to the Commission on the 1st May, 1957 under section 81 of the said Act, by Shri Hari Vishnu Kamath, son of Rama Kamath, Resident of Dhantoli, Nagpur calling in question the election to the House of the People from the Hoshangabad constituency of that House of Shri Maganlal Radhakishen Gagdi, Resident of Hansapuri, Nagpur.

Presented to me by Shri Hari Vishnu Kamath whose signature has been obtained in the margin and attested as having been signed before me this the first day of May One Thousand Nine Hundred and Fifty Seven.

(Sd.) H. V. KAMATH.

(Sd.) DIN DAYAL,

1-5-57,

Under Secretary,

Election Commission, India.

Attested.

(Sd.) DIN DAYAL,
1-5-57.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

Re: Election to the Lok Sabha (House of the People) from Hushangabad Parliamentary Constituency, State of Madhya Pradesh.

(Under Section 81 of the Representation of the People Act, 1951)

ELECTION PETITION No. 403 of 1957

Shri Hari Vishnu Kamath, S/o Rama Kamath, aged 49 years, resident of Dhantoli, Nagpur—*Petitioner.*

Versus

Shri Maganlal Radhaksihen Bagdi, resident of Hansapuri, Nagpur—*Respondent.*

The Petitioner above-named respectfully Showeth:—

1. That your Petitioner was a duly nominated candidate for Election to the House of the People from Hushangabad Parliamentary Constituency, in the State of Madhya Pradesh. The said Constituency is a single member Constituency.

2. That the nomination papers for Election from the said Constituency were filed by the Petitioner, the Respondent and one Shri Raghunath Prasad Kaluram Parsai. The Nomination papers of the Petitioner and the Respondent were accepted while that of Shri Raghunath Prasad Kaluram was rejected.

3. That the Petitioner and the Respondent contested the election to the House of the People from the said Constituency. Polling took place on the 25th

February and 4th March, 1957. Votes were counted on the 14th and 17th of March 1957 and the result was declared by the Returning Officer on the 17th March, 1957. The valid votes declared to have been received by the Respondent and the Petitioner were:

Respondent—84532.

Petitioner—59374.

The Respondent was declared elected. The Petitioner contested the election as a Praja Socialist Party Candidate while the Respondent was a Congress Party Candidate.

4. That simultaneously with the Election to the House of People, the Election to eight seats in the Madhya Pradesh Legislative Assembly took place in the said Constituency. The Election campaign, publicity and propaganda of Congress Candidates for Election to the State Assembly as well as to the House of the People were conducted jointly, and the Assembly candidates were in fact, and in law, the agents of the Respondent and *vice-versa*.

5. The Petitioner states that the Election of the Respondent is void and should be declared void on the grounds, *inter alia*, that:

- I. (a) Corrupt practices were committed by the returned candidate or his Election agent or by other persons with the consent of the returned candidate or his election agent.
- (b) In any event, the result of the election in so far as it concerns the returned candidate, was materially affected by corrupt practices committed in the interest of the returned candidate by persons other than the candidate or his election agent or persons acting with the consent of such candidate or his election agent, and by non-compliance with the provisions of the Constitution or of the Representation of the People Act 1951 (hereinafter referred to as the Act) or of Rules and/or orders made under the Act.

II. Corrupt Practices, to wit:

- (a) Bribery *i.e.* gifts, offers or promises were made or given by the said candidate or his agent or by other persons with the object, directly or indirectly, of inducing electors to vote for the Respondent and not to vote for the Petitioner.
- (b) Undue influence was exercised on the voters or the electors and there was direct and/or indirect interference or attempt to interfere on the part of the said candidate or his election agent and/or of other persons with the free exercise of electoral right.
- (c) There was also hiring or procuring of vehicles by the candidate or by his agents or by other persons for the conveyance of the electors to and from polling stations or places fixed under Section 29, sub-section (1) for the poll.
- (d) There were publications by the said candidate or his agent or by other persons of statements of fact which were or are false, and which he or they either believed to be false or did not believe to be true, in relation to the personal character or conduct or candidature of the Petitioner, being statements reasonably calculated to prejudice the prospects of the Petitioner's Election.
- (e) There was obtaining or procuring or attempting to obtain or procure by the candidate or his agent, or by other persons, assistance for the furtherance of the prospects of the returned candidate's election, from persons in the service of the Government and belonging to the classes mentioned or specified in Section 123(7) of the Act, and this was in contravention of that Section.

PARTICULARS

6. Particulars of the corrupt practices are set forth hereunder along with their annexures, if any, attached hereto. The particulars and annexures should be treated as part of the Petition.

7. (a) That a printed leaflet in Hindi, captioned "Chetawani" issued and signed in the name of Shrimati Sucheta Kripalani, who had, like the Respondent, very recently joined the Congress party after leaving P.S.P. and bearing the symbol of Congress party (pair of Bullocks) was widely circulated amongst the voters in Gadawara Assembly Constituency, and also in Itarsi and Hoshangabad, all parts

of Hoshangabad Parliamentary Constituency, between the 2nd and 4th March 1957. The polling took place on the 4th of March 1957 in the said part of the Constituency. The leaflet was circulated by the Respondent and by his agents and workers with the consent of the Respondent or his election agent Shri M. R. Gurao. The Petitioner has reason to believe that the leaflet had not been signed or issued by Shrimati Sucheta Kriplani. In any event the allegations and statements regarding the Petitioner and his personal character conduct and candidature made therein are false, and they either believed them to be false or did not believe them to be true. The statements made therein were reasonably calculated to prejudice the prospects of the Petitioner's election. In the leaflet it was *inter alia* stated as under: "For the good of the nation I appeal to you not to vote for Kamath who had referred to Pandit Jawahar Lal Nehru, India's King of Hearts, as 'worthless' Prime Minister." Kamath's opposition to Nehru is treason and is contrary to our country's healthy tradition". The leaflet is annexed to the Petition and is marked 'A'.

This amounts to corrupt practice under section 123 of the Act and the result of the election has been materially affected thereby.

(b) That a leaflet in Hindi headed 'Sawadhan' containing most inflammatory, mischievous false statement in the name of Shri Shyamlal Jaiswal, a prominent and active member of the District Congress Committee of Narsinghpur was widely circulated by the Respondent, his agents and workers between the 23rd February, 1957 to 4th March, 1957 in District Narsinghpur. The leaflet contains *inter-alia* the following:—

"The workers for 'Hut' (P.S.P. symbol) are threatening to shoot the great leader of the nation, Pandit Jawahar Lal Nehru". The statement made in the leaflet is false and believed by the said Shri Shyamlal Jaiswal, Respondent's agents and workers to be false. The said leaflet was distributed with the consent of the Respondent or his election agent and in his interest and has materially affected the result of the election. The leaflet is annexed to the Petition and is marked 'B'.

(c) That Respondent while addressing a largely attended public meeting on 19th February, 1957 at Narsinghpur in Hindi made a false statement and which he believed to be false that "Kamath is receiving Lakhs of Dollars from America to discredit Pandit Nehru and his Government". Respondent repeated the same false statement on the 3rd March at a largely attended public meeting at Gadgarwara, District Narsinghpur.

(d) That Respondent while addressing a largely attended public meeting on the 28rd February 1957 at Bankhedi tahsil Sohagpur, District Hoshangabad, in Hindi made a statement saying "what do Kamath or Niranjan Singh (P.S.P. candidate for election from Gadgarwara to the State Assembly) think of themselves? If they come before me, I shall shoot them".

(e) That at another public meeting on the 3rd March 1957, at Gadgarwara the Respondent in his speech in Hindi made a statement saying "whether I win or lose, I shall see that Niranjan Singh and Kamath are buried deep in the valley of Narmada river and I shall go only after performing the 13th day Shradha Ceremony". This threat and statement interfered directly or indirectly or was an attempt to interfere with the free exercise of the electoral rights of voters in the Constituency.

(f) On 1st March, 1957 the Respondent addressing in Hindi a public meeting at Itarsi made a false statement which he believed to be false or did not believe to be true, as follows:—

"Kamath always supports American Policy in his speeches. His Photo appears often in American papers, American papers often praise him and he gets dollars from America".

8. That Statements made in the leaflets and in the public meeting mentioned in paragraphs 7(a), (b), (c) and (f) above were statements of fact which are false. Respondent and his agents including election agent, supporters, and workers believed them to be false or did not believe them to be true. The said statements related to the personal character, conduct or candidature of the Petitioner, and were reasonably calculated to prejudice the prospects of the Petitioner's election. The said acts constituted corrupt practice under Section 123(4) and 123(2) of the Act. The said corrupt practices were committed by the Respondent and his election agent, and by his agents and workers with the consent of the Respondent or his election agent and/or in the interest of the Respondent,

and the result of the election has been materially affected thereby. These false statements also constitute undue influence and were a direct or indirect interference or an attempt to interfere with the free exercise of electoral rights of voters. Statements made in paragraph 7(d) and 7(e) constitute corrupt practice under Section 123(2) and were calculated to interfere or were an attempt to interfere with the free exercise of the electoral rights of voters.

9. That Shrimati Indira Gandhi daughter of Pandit Jawahar Lal Nehru, Prime Minister of India, and a member of the Congress Working Committee and of the Congress Parliamentary Board, while addressing public meetings at Allahabad on 22nd January 1957 and on 4th February, 1957 made a false statement, which she knew and believed to be false, saying that "the P.S.P. gets foreign financial aid". This statement was published prominently in all the newspapers of India, circulated in Madhya Pradesh including Hoshangabad, and became the talk of the day in every nook and corner of the Constituency. This statement was utilised and repeated by the Respondent, his agents and workers during the election period. The publication of this false statement amounts to corrupt practice under Section 123(4), and it was in relation to the character, conduct or candidature of the Petitioner who was a P.S.P. candidate in the election. The said statement of hers was quoted by the Respondent in his speeches during the election period so as to convey that the petitioner was getting foreign aid in the same manner, and also by his workers and agents with the consent of the respondents and/or in his interest, and it has materially affected the result of the election. It was reasonably calculated to prejudice the prospects of the Petitioner's election. Two clippings; one from The Hindusthan Standard, Delhi, 24th January, 1957 and the other from The Hindustan Times, New Delhi, 5th February, 1957 reporting Shrimati Indira Gandhi's speeches are annexed to the petition and are marked 'C' and 'D'.

10. That Shri M. N. Gurao, Election agent of the Respondent, in a speech in Hindi at a public meeting in Itarsi on the 3rd March, 1957, said "Guns are still on our shoulders. We want to tell our opponents that we shall even suck (drink) their blood. We and our friends have still got with us sufficient weapons. We will even open fire in this election and shall play 'Holi' with their blood". This constitutes corrupt practice under Section 123(2) and was calculated to interfere or was an attempt to interfere with the free exercise of the electoral right of voters. The corrupt practice was committed in the interest of the Respondent, and has materially affected the result of the election.

11. That on 25th February, 1957 at Narsinghpur on the day of polling Shri Pathak, President of the District Congress Committee and husband of Shrimati Sarala Devi Pathak, State Assembly Congress candidate from Narsinghpur constituency, hired Tongas of Komal Singh and some others of Narsinghpur at the rate of Rs. 10 per day per tonga. Voters were actually conveyed to the polling booths in these tongas. This amounts to corrupt practice, under Section 123(5). The Respondent was a party to the hiring of these tongas. The hiring of tongas was with the definite object of carrying electors for voting in favour of Congress candidates in the Parliamentary as well as Assembly Constituencies. The corrupt practice was at any rate committed in the interest of the Respondent and has materially affected the result of the election.

12. That on 4th March, 1957, the Respondent and Kishori Lal Paliwal, Congress candidate for State Assembly from Gadawara Constituency hired 17 tongas to carry voters to the polling booths in Gadawara town at the rate of Rs. 15 per day per tonga, and several voters were actually carried in several trips to polling stations in the aforesaid tongas at the instance of the Respondent and Kishori Lal Paliwal. Out of the 17 tongawalas the names of four are as under:—

1. Lallolal son of Ganga Age 28 resident of Azad Ward, Gadawara.
2. Ramratan Lohar, age 30 years, Hanuman Road, Gadawara.
3. Biju Dhimar, age 25 years, resident of Azad Ward.
4. Wahab Muslim, age 22 years, Hanuman Ward, Gadawara.

Objection in writing on 4th March, 1957, was given to the Presiding Officer and Returning Officer by Shri Niranjan Singh, P.S.P. candidate from Gadawara Constituency for State Assembly. These instances given in paragraphs 11 and 12 constitute corrupt practice under Section 123(5) of the Act, and have materially affected the result of the election. They were committed by the Respondent or by his agents and workers, with his consent or at any rate in his interest.

13. That on 4th March, 1957, on the day of polling at village Injhira, Rup Chand Seth, a prominent Congress Worker and businessman of Karali, waited near the

motor stand and contacted the voters of Kacherkona and Kheruwa who came there for voting. He took out a bundle of notes from his pocket and offered them to the said voters in consideration of their voting for Congress candidates. In the meantime Lachman Singh of Kacharkona, who was standing by, went up to Rup Chand and caught hold of his hand and asked him to desist from such action. Then Rup Chand requested Lachman to accept the money and not to speak to anybody. Later on Lachman brought this fact to the notice of Diwan Sahib of Imjhira. Whereupon Diwan Sahib and Lachman went to the Circle Inspector of Police and informed him about the incident. The C.I. advised them that complaint should be made to Returning Officer, Narsinghpur, and accordingly, complaint was lodged with the R.O. on 5th March, 1957 by Lachman. This amounts to corrupt practice under Section 123(1) of the Act. This was done with the consent of the Respondent and/or in his interest and was an interference or attempt to interfere with the free exercise of electoral right of voters, and has materially affected the result of the election.

14. That on the 7th February, 1957 Sheoraj Singh son of Amritlal village Sankal, Tehsil Narsinghpur was called by Station House Officer, Themi, along with his gun and license. The S.H.O. told him that as he was working against the Congress party candidates, his gun was being seized, and his license would be cancelled. Sheoraj Singh sent a complaint in writing to I.G. Police Madhya Pradesh, Commissioner, Deputy Commissioner and D.S.P. later on Deputy Minister Shri Mushran, Congress candidate for State Assembly from Goteagaon constituency, District Narsinghpur and Maha Koshal Pradesh Congress Secretary met Sheorajsingh who told him about the incident. Shri Mushran told him that he should work for the Congress candidates, then only his gun and license would be restored. This amounts to corrupt practice under Section 123(2) and 123(7) of the Act. It was committed with the consent of the respondent and/or in his interest. The corrupt practice was calculated, or was an attempt, to interfere with the free exercise of electoral rights of the voters. The assistance of Government servants was obtained for the furtherance of the prospects of the Respondent's election.

15. That after the visit of both Dr. K. N. Katju, the Chief Minister of Madhya Pradesh and of Shri Morarji Desai, Union Minister, to Narsinghpur, Gotengaon, and Gadarwara in the third week of February, 1957, Babulal Tandon and others went from Gadarwara to Gateagaon Constituency for P.S.P. work. On return to Gadarwara from Gateagaon, Police Station Officer Gadarwara sent for Babulal Tandon and others, and warned them that unless they desisted from working for P.S.P. they would be imprisoned. The Petitioner brought this fact to the notice of the D.C. and D.S.P. Narsinghpur telegraphically. This telegram was acknowledged by Shri Ram Singh D.S.P. This illegal action was part of a plan by the ruling party to overawe their opponents with the help of Government servants. This amounts to corrupt practice under Section 123(2) and 123(7) of the Act. By the tactics and wrongful acts stated in this paragraph the Respondent obtained or attempted to obtain the assistance of Gazetted Officers and Members of the Police force for the furtherance of the prospects of his election, and the result of the election has been materially affected thereby. This corrupt practice was committed with the consent of the Respondent or at any rate in his interest. This was calculated to interfere or was an attempt to interfere with the free exercise of the electoral rights of voters.

16. That at Kalyanpur polling station, Gadarwara Assembly Constituency, voters were not allowed by a Home Guard on duty to carry identity chits bearing the symbol of hut (symbol of P.S.P.), and as a result several voters went back without voting. A complaint by Onkar Parsad agent for P.S.P. candidate, was lodged with the Presiding Officer of the polling Station Kalyanpore, No. 108. This illegal action was part of a plan by the ruling Congress party to overawe and intimidate their opponents in the election, and also unduly influence voters with the help of Government Servants. This amounts to corrupt practice under Section 123(2) and 123(7) of the Act. This was done with the consent of the Respondent or in his interest and has materially affected the result of the election. The assistance of Government Servants was obtained with a view to furthering the prospects of election of the Respondent. This corrupt practice further amounts to interference or was an attempt to interfere with the free exercise of electoral rights of voters.

17. That Shri Mushran Congress Candidate for State Assembly from Gateagaon along with Respondent went to village Imalia on or about 20th February, 1957 and called Patwari Chidami Lal and told him that the prospects of Congress candidates were very poor in that area, and unless he assisted the Congress candidates, and their prospects improved, he would be dismissed. This was part of the systematic and nefarious plan of the ruling party and the Congress candidates

to obtain the assistance of Government Servants in order to defeat the P.S.P. candidates and to further the prospects of the Congress Candidates' including the Respondent's election. This amounts to corrupt practice under Section 123(2) and 123(7) of the Act and it has also materially affected the result of the election. This corrupt practice was committed with Respondent's consent, or in his interest, and was also interference or an attempt to interfere with the free exercise of electoral rights of voters.

18. That Shri Mushran Dy. Minister and Congress candidate for the State Assembly from Gategaon along with Respondent went to Pindrai on or about 19th February, 1957 and directed Tara Chand, teacher of Pindrai working under Janpada Sabha, to work for Congress candidates. Tara Chand asked for a timber permit for repairing his house and he obtained the same in consideration of his work for the Congress candidates in the election. This amounts to corrupt practice under section 123(1) and 123(7). The Respondent himself was a party to this, and it has materially affected the result of the election. It furthered the prospects of the Respondent's election. This corrupt practice was committed in the interest of the Respondent, with the object of inducing the electors to vote for Respondent and not to vote for the Petitioner.

19. That on 19th February 1957, Respondent and Shrimati Sarala Devi Pathak, Congress candidate for Narsinghpur Assembly constituency went to village Singhpur and addressed a public meeting. The villagers said that they needed a well, as there was dearth of water supply. The Respondent with several villagers selected a site for the construction of the well, which land belongs to Vishwa Nath Singh Seth, and Shrimati Sarala Devi and Respondent performed the digging ceremony of the well, breaking a coconut on the 'auspicious' occasion, and promising the construction of the well after the election. This amounts to corrupt practice u/s 123 (1) of the Act, and has materially affected the result of the election. It was done with the object of inducing the electors to vote for the Respondent and not to vote for the Petitioner.

20. That a largely attended conference of Adivasis (Scheduled tribes) at village Madanpur, tahsil Gadwarara, on 13th February, 1957, was addressed by Shrimati Sarala Devi Pathak, Mushram and K. L. Paliwal, and M. G. Wike Congress M.P. and President of the Congress Adivasi organisation, Madhya Pradesh. They told the Adivasi voters that if they voted for Congress, the Government would give them bullocks and land, would reserve an Assembly seat for them in that area. This amounts to corrupt practice u/s 123(1) and 123(2) and 123(7). This was done with the consent of the respondent or at any rate in his interest, and has materially affected the result of the election. It was done with the object of inducing the electors to vote for the Respondent and not to vote for Petitioner. Further it was interference or attempt to interfere with the free exercise of electoral rights of voters. The assistance of the Deputy Minister (Government Servant) was procured for furtherance of the prospects of the Respondent's election.

21. That on 22nd February 1957, Deputy Minister, Mushram, Respondent, and Shri Wike addressed a largely attended meeting of the Adivasis at Bouchhar. There Shri Wike advised Adivasis, who were working for P.S.P. candidates that they should not work on their land, and when the land became barren, the land would be distributed among the Adivasis. This amounts to corrupt practice under Section 123(1), 123(2) 1(1) and 123(7). This was done with the consent of the Respondent or in his interest, and the result of the election has been materially affected. It was done with the object of inducing to electors to vote for the Respondent and not to vote for the Petitioner, it was an attempt to interfere with the free exercise of electoral rights of voters, and the assistance of the Deputy Minister (Government Servant) was obtained for furtherance of the prospects of Respondent's election.

22. That voters' identity chits with Prime Minister Nehru's photo, with caption of 'peace and progress' and slogan 'vote for Congress' were widely circulated and distributed among the voters throughout the Gadwarara Assembly Constituency comprised in Hoshangabad Parliamentary Constituency, and were carried by them into the polling stations (Within 100 yards of the polling booth). This work of distribution was done by Congress candidates including the Respondent, their agents and workers. The chits were carried by the voters inside the polling stations with the knowledge and connivance of the Government Servants i.e., Police and staff on duty. This illegal act under Section 130 of the Act, and corrupt practice under Section 123(2) and 123(7) of the Act was brought to the notice of the Presiding Officers of Kashi-Kheri, Gadwarara, Ghawarpatha and Panari in writing by Petitioner's Polling agents, but with no effect. This was an organised, calculated, systematic attempt by the ruling party and Government Servants to influence the voters, it was undue influence on voters and was done with the consent

of the Respondent or in his interest. It was also non-compliance with the provisions of Section (130) of the Act which has materially affected the result of the election. The assistance of Government Servants was obtained for furtherance of the Respondent's election. A specimen identity chit is annexed to the Petition and marked as 'E'.

23. That on 31st January, 1957, at camp Bouchhar, Tehsildar Narsinghpur Shri Kashirao issued a general letter that people would get free Nistar. This was done at the instance of Congress candidates including Respondent to influence the voters in favour of the ruling party's candidates and contravening all the rules of the department. This amounts to corrupt practice under Section 123(1) and 123(2) and 123(7) of the Act.

24. That on 13th February 1957, Tahsildar Narsinghpur K. S. Rao passed an order in contravention of all rules and regulations including the law revenue and forest laws, that cultivators of Bughwar, Mohad, Amgaon, Nayakhara could fell wood (timber) in the forest upto 28th February 1957. This was part of a plan of the ruling party's candidates, and amounts to corrupt practice under Section 123(1), 123(2) and 123(7). A large number of voters availed themselves of this illegal order, and timber worth laks of Rupees was actually cut and removed from the forests.

25. That contrary to all rules and practice of land revenue code and forest code about 130 special permits were issued to the Kisans by the Tehsildar, Narsinghpur Shri K. S. Rao between 1st February 1957, to 24th April 1957. This was done to bribe these influential men and induce them and other electors to vote for the Congress candidates. All this was done at the instance of Shrimati Sarala Devi, Dy. Minister Mushran, Respondent and Shri Pathak, president of the District Congress Committee. All these acts were part of a plan or conspiracy by the Congress candidates to defeat the petitioner and other P.S.P. candidates with the active assistance of Government Machinery and servants. This amounts to corrupt practice under Section 123(1), 123(2) and 123(7). Details of the permits are annexed hereto and collectively marked as 'F'.

26. That the Deputy Commissioner, Narsinghpur, Tahsildar Gadawara and Divisional Forest Officer, Hoshangabad, issued a number of leaflets and pamphlets liberalising the Nistar rights and these were distributed, broad-cast in the Constituency with the object of furthering the prospects of the ruling party candidates' elections. This illegal action was part of a plan by the ruling party and its candidates to defeat the P.S.P. candidate with the help of Government Servants. This amounts to corrupt practice. Details are cited below:—

1. Circular "CHHA" dated 15th December, 1956, issued from the office of the Deputy Commissioner, Narsinghpur.
2. Circular (Nistar Panchayat ke Karya Sambandhi Suchana) from the office of the Deputy Commissioner, Narsinghpur.
3. Office of the Tahsildar Kanungo 57, dated 21st January 1957.
4. Office of the Deputy Commissioner No. K/Nistar dated 22nd February 1957.
5. Office of the Deputy Commissioner, Narsinghpur No. K.B. dated 25th January 1957.
6. Office of the Deputy Commissioner, Narsinghpur No. Kanungo/57 dated 1st March 1957.

27. That the corrupt practices mentioned in paras 23 to 26 inclusive, were committed with the consent of the Respondent or at any rate in his interest, and the result of the election has been materially affected thereby. They were committed with the object of inducing the electors to vote for Respondent and not to vote for the Petitioner, and they were an interference or an attempt to interfere with the free exercise of electoral rights of voters. The assistance of Government Servants was obtained for furtherance of the prospects of Respondent's election.

28. That the polling staff at polling stations in the Constituency noted the serial numbers of the ballot papers against the names of voters on the copy of electoral roll supplied to them by the Returning Officer. This violated the secrecy of the ballot. Respondent's agents and workers had told voters throughout the Constituency that they would thus be able to ascertain for whom the voters had voted, and had threatened them with dire consequences if they voted against the Congress Party candidates. They had in particular warned Muslims that if they did not vote for Congress they would be sent to Pakistan.

This amounts to corrupt practice under Section 123(2) of the Act and was an interference or an attempt to interfere with the free exercise of electoral rights of voters. It was committed by Respondent's agents and workers in the interest of Respondent and has materially affected the result of the Election.

The marking of the copy electoral roll by the polling staff was an act of non-compliance with the provisions of the Act relating to secrecy of ballot and the rules made hereunder, and it has materially affected to the result of the election.

29. That a circular in Hindi in the name of Tahsildar Gadarwara (form A Rule 8) dated 30th January 1957, was published and circulated among the voters between 30th January to 20th February, 1957, which are material dates of election inviting applications from the Adivasis and Harijans still 20th February, 1957

This was done to bribe the influential persons among Harijans and Adivasis to vote for Congress at the instance of Shri D. P. Pathak, President District Congress Committee, Shri K. L. Paliwal, Syam Sunder Narayan Mushran and Respondent. All this was part of a plan by the Congress candidates with the active assistance of Government machinery and servants to defeat the P. S. P. candidates including Petitioner. This amounts to a corrupt practice under Section 123(1), 123(2), 123(7) of the Act.

30. That but for the votes obtained by the Respondent through the corrupt practices mentioned above the Petitioner would have obtained a majority of valid votes. The Petitioner was a sitting member of the House of the People for Hoshangabad Parliamentary Constituency. In Narsinghpur district which comprised 4 out of the 8 Assembly Constituencies, Petitioner had polled about 25,000 votes more than the Congress candidate in the General Election 1951-52, when the total poll in the entire Parliamentary Constituency was nearly 170,000. In the bye-election of April 1955, even when the total poll was only about 90,000 the Petitioner had polled nearly 18,000 votes more than the Congress candidate in the same area. Therefore the corrupt practices as set forth in this petition committed by the respondent, or by his agents and workers in his interest have materially affected the result of the election.

31. That the Petitioner has deposited a sum of Rs. 1,000 in Government Treasury, Nagpur by way of Security. Treasury challan dated 25th April 1957, for the said amount is attached herewith.

It is therefore prayed that:—

- (a) The election of the Respondent, who is the returned candidate, be declared void.
- (b) The Petitioner be awarded costs.

NEW DELHI;

The 1st May 1957.

HARI VISHNU KAMATH,
Petitioner.

Verification

I, Hari Vishnu Kamath hereby verify and state that the contents of paras 1, 2, 3, 4, 6 and 31 are true to my knowledge, of paras 5 I & II, 8, 27 and prayer are true to my belief, of paras 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28 and 29 are true partly to my belief and partly to, my information received by me and based on records and documents, and believed by me to be true, and of para 30 are true partly to my knowledge and partly to my belief.

NEW DELHI;

The 1st May 1957.

HARI VISHNU KAMATH,
Petitioner.

LIST OF ANNEXURE

Serial No.	Annexure Mark	Description	Para No.
1.	'A'	'CHETAWANI'	7(a)
2.	'B'	'SAWADHAN'	7(b)
3.	'C'	Cutting from Hindustan Standard Delhi. 24-1-57 regarding Smt. Indira Gandhi's speech	9.
4.	'D'	Cutting from Hindustan Times New Delhi, 5-2-57 regarding Smt. Indira Gandhi's speech	9.
5.	'E'	Voters identity Chit	21.
6.	'F'	List of Special Permits for cutting timber in forest.	25.

(Sd.) HARI VISHNU KAMATH,

NEW DELHI ;

Petitioner.

The 1st May, 1957.

Verification.

I, Hari Vishnu Kamath, do hereby verify and state that Annexures A, B, C, D, E and F are true partly to my belief and partly to my information received by me and based on records and documents, and believed by me to be true.

NEW DELHI ;

(Sd.) H. V. KAMATH.

The 1st May 1957

ANNEXURE 'F'

No. of Revenue Case	Name of applicant	Date of order
20 of 56	Shri Gorelal	7-2-57
21 of 57	„ Mastram	8-2-57
22 of 57	„ Sunderlal	8-2-57
23 of 57	„	8-2-57
24 of 57	„ H. C. Gupta	8-2-57
25 of 57	„ Pannalal	8-2-57
26 of 57	„	1-2-57
27 of 57	„ Manoharsingh	8-2-57
28 of 57	„ Goddan.	7-2-57
29 of 57	„ Sarju Prashad	8-2-57
30 of 57	„	„
31 of 57	„ Shambulal	7-2-57
32 of 57	„ Villagers of Bagaspur	12-2-57
33 of 57	„ Lachman Singh	12-2-57
34 of 57	„ Dashrath	8-2-57
35 of 57	„	12-2-57
36 of 57	„	12-2-57
37 of 57	„ Tarachend	13-2-57
38 of 57	„ Hulkarsingh	11-2-57
39 of 57	„ Komalsingh	11-2-57
40 of 57	„ Kumer Singh	12-2-57
41 of 57	„ Pyarelal	11-2-57
42 of 57	„ Khet Singh	11-2-57
43 of 57	„ Tejram	12-2-57
44 of 57	„ Sobharam	13-2-57
45 of 57	„	„
46 of 57	„	„
47 of 57	„ Nandram	14-2-57
48 of 57	„ Imrat	13-2-57
49 of 57	„ Nahaji	13-2-57
50 of 57	„ Ghasita	13-2-57
51 of 57	„ Behari	13-2-57
52 of 57	„ Shobaransingh	13-2-57

No. of Revenue Case	Name of applicant	Date of order
53 of 57	Shri Asharam	12-2-57
54 of 57	„ Tarachand	15-2-57
55 of 57	„ Umed Singh	13-2-57
56 of 57	„ Babu Lal	14-2-57
57 of 57	„ Kunji Lal	11-2-57
58 of 57	„ Ramdas Singh	15-2-57
59 of 57	„ Ramsingh	15-2-57
60 of 57	„ Ramsingh	15-2-57
61 of 57	„	15-2-57
62 of 57	„	15-2-57
63 of 57	„	15-2-57
64 of 57	„	15-2-57
65 of 57	„ Prem Singh	15-2-57
66 of 57	„ Chintaman	16-2-57
67 of 57	„	16-2-57
68 of 57	„	16-2-57
69 of 57	„	16-2-57
70 of 57	„	16-2-57
71 of 57	„ Halkemehra	16-2-57
72 of 57	„	25-2-57
73 of 57	„	25-2-57
74 of 57	„	25-2-57
75 of 57	„	25-2-57
76 of 57	„	25-2-57
77 of 57	„	25-2-57
78 of 57	„ Chhidamilal	18-2-57
79 of 57	„	20-2-57
80 of 57	„ Gaya Prasad	20-2-57
81 of 57	„ Biranlal	20-2-57
82 of 57	„ Okhilal	15-2-57
83 of 57	„ Roopchand	20-2-57
84 of 57	„	20-2-57
85 of 57	„ Gajraj	20-2-57
94 of 57	„ Nabhe Kachhi	22-2-57
95 of 57	„	20-2-57
96 of 57	„ Bhagunta	20-2-57
97 of 57	„ Tek Singh	22-2-57
98 of 57	„	20-2-57
99 of 57	„	20-2-57
100 of 57	„ Nanha	21-2-57
101 of 57	„ Tulsi Ram	21-2-57
102 of 57	„ Ram Prasad	21-2-57
103 of 57	„ Gulab Chand	22-2-57
110 of 57	„ Kailshgir	20-2-57

Provisional List of Documents Relied upon, Apart from Annexures Filed

1. Original manuscript of annexures A and B.
2. Register of Bharat Printing Press, Gadawara showing the name and signature of person who placed the order for printing of annexures A and B.
3. Account books of Bharat Printing Press Gadawara showing payment of bills for printing of annexures A and B.
4. Circular (Chh), dated 15th December, 1956, issued from the office of the Deputy Commissioner Narsinghpur.
6. Circular issued from the office of the Tahsildar "form A rule 8 regarding" the office of the Deputy Commissioner, Narsinghpur.
6. Circular issued from the office of the Tahsildar "form A rule 8 regarding" the distribution of occupancy land to landless persons, dated 30th January 1957.
7. Order of the Tahsildar Narsinghpur, dated 1st March 1957 "Kramank Kanungo/57".

8. Objection filed by Th. Niranjansingh at Gadarwara regarding identity chits.
9. Objection filed by the agent of P.S.P. candidate at Charwarpatha regarding identity chits.
10. Objections filed by Shri Niranjansingh at Gadarwara regarding the use of Tongas.
11. Acknowledgement of Presiding Officer of Kashikheri on the objection filed by Shri Kanhaiyalal agent of Shri H. V. Kamath.
12. Objection filed by Shri Ramsingh agent of Th. Niranjansinha at Panari.
13. Objection filed by Patel Onkarprasad at Kalyanpur Polling Station.
14. Order of Deputy Commissioner, Narsinghpur "Kramank K/Nistar" dated 22nd February, 1957.
15. Circular from the office Tahsildar Narsinghpur "Kramank Kanungo/57" dated 21st January, 1957.
16. Original Circular from the Tahsil Office Gadarwara "Tahsil Karyalaya Gadarwara Suchana Sudh Patra" dated 31st January, 1957.

NEW DELHI;

The 1st May, 1957.

HARI VISHNU KAMATH,
Petitioner.

The annexures 'A' to 'E' of the Petitions are not published.

[No. 82/403/57.]

By order,
DIN DAYAL, Under Secy.

